

stage before granting an unrestricted driver's license;

(2) a prohibition on nighttime driving during the intermediate stage;

(3) a prohibition, during the learner's permit intermediate stages, from operating a motor vehicle with more than 1 non-familial passenger under the age of 21 if there is no licensed driver 21 years of age or older present in the motor vehicle;

(4) a prohibition during the learner's permit and intermediate stages, from using a cellular telephone or any communications device in non-emergency situations; and

(5) any other requirement that the Secretary of Transportation (referred to in this Act as the "Secretary") may require, including—

(A) a learner's permit stage of at least 6 months;

(B) an intermediate stage of at least 6 months;

(C) for novice drivers in the learner's permit stage—

(i) a requirement of at least 30 hours of behind-the-wheel training with a licensed driver who is over 21 years of age; and

(ii) a requirement that any such driver be accompanied and supervised by a licensed driver 21 years of age or older at all times when such driver is operating a motor vehicle; and

(D) a requirement that the grant of full licensure be automatically delayed, in addition to any other penalties imposed by State law for any individual who, while holding a provisional license, convicted of an offense, such as driving while intoxicated, misrepresentation of their true age, reckless driving, unbelted driving, speeding, or other violations, as determined by the Secretary.

(b) RULEMAKING.—After public notice and comment rulemaking the Secretary shall issue regulations necessary to implement this section.

#### SEC. 4. INCENTIVE GRANTS.

(a) IN GENERAL.—For each of the first 3 fiscal years beginning after the date of enactment of this Act, the Secretary shall award a grant to any State in compliance with section 3(a) on or before the first day of that fiscal year that submits an application under subsection (b).

(b) APPLICATION.—Any State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a certification by the governor of the State that the State is in compliance with section 3(a).

(c) GRANTS.—For each fiscal year described in subsection (a), amounts appropriated to carry out this section shall be apportioned to each State in compliance with section 3(a) in an amount determined by multiplying—

(1) the amount appropriated to carry out this section for such fiscal year; by

(2) the ratio that the amount of funds apportioned to each such State for such fiscal year under section 402 of title 23, United States Code, bears to the total amount of funds apportioned to all such States for such fiscal year under such section 402.

(d) USE OF FUNDS.—Amounts received under a grant under this section shall be used for—

(1) enforcement and providing training regarding the State graduated driver licensing law to law enforcement personnel and other relevant State agency personnel;

(2) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law; and

(3) other administrative activities that the Secretary considers relevant to the State graduated driver licensing law.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$25,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

#### SEC. 5. WITHHOLDING OF FUNDS FOR NON-COMPLIANCE.

(a) IN GENERAL.—

(1) FISCAL YEAR 2010.—The Secretary shall withhold 1.5 percent of the amount otherwise required to be apportioned to any State for fiscal year 2010 under each of the paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if that State is not in compliance with section 3(a) of this Act on October 1, 2009.

(2) FISCAL YEAR 2011.—The Secretary shall withhold 3 percent of the amount otherwise required to be apportioned to any State for fiscal year 2011 under each of the paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if that State is not in compliance with section 3(a) of this Act on October 1, 2010.

(3) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold 6 percent of the amount otherwise required to be apportioned to any State for each fiscal year beginning with fiscal year 2012 under each of the paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if that State is not in compliance with section 3(a) of this Act on the first day of such fiscal year.

(b) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2011.—Any amount withheld from any State under subsection (a) on or before September 30, 2011, shall remain available for distribution to the State under subsection (c) until the end of the third fiscal year following the fiscal year for which such amount is appropriated.

(2) FUNDS WITHHELD AFTER SEPTEMBER 30, 2011.—Any amount withheld under subsection (a)(2) from any State after September 30, 2011, may not be distributed to the State.

(c) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—

(1) IN GENERAL.—If, before the last day of the period for which funds withheld under subsection (a) are to remain available to a State under subsection (b), the State comes into compliance with section 3(a), the Secretary shall, on the first day on which the State comes into compliance, distribute to the State any amounts withheld under subsection (a) that remains available for apportionment to the State.

(2) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any amount distributed under paragraph (1) shall remain available for expenditure by the State until the end of the third fiscal year for which the funds are so apportioned. Any amount not expended by the State by the end of such period shall revert back to the Treasury of the United States.

(3) EFFECT OF NON-COMPLIANCE.—If a State is not in compliance with section 3(a) at the end of the period for which any amount withheld under subsection (a) remains available for distribution to the State under subsection (b), such amount shall revert back to the Treasury of the United States.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 373—EXPRESSING THE SENSE OF THE SENATE THAT THE SENATE SHOULD CONTINUE TO SUPPORT THE NATIONAL DOMESTIC VIOLENCE HOTLINE, A CRITICAL NATIONAL RESOURCE THAT SAVES LIVES EACH DAY, AND COMMEMORATE ITS 10TH ANNIVERSARY

Mr. BIDEN (for himself, Mr. CORNYN, Mrs. HUTCHISON, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 373

Whereas 2006 marks the 10th year that the Hotline has been answering calls and saving lives;

Whereas, 10 years ago this month, the Hotline answered its first call;

Whereas the Hotline is a project of the Texas Council on Family Violence headquartered in Austin, Texas, and provides crisis intervention, information, and referral to victims of domestic violence, their friends, and their families;

Whereas the Hotline operates 24 hours a day and 365 days a year;

Whereas the Hotline provides its users with anonymous assistance in more than 140 different languages, and a telecommunications device for the deaf, deaf-blind, and hard of hearing;

Whereas the Hotline was created by Congress in the Violence Against Women Act of 1994 (Public Law 103-322; 108 Stat. 1902);

Whereas Congress continues its commitment to families of the United States by strengthening and renewing this important legislation in 2000 and most recently in December, 2005;

Whereas, since taking its first call in 1996, the Hotline has answered over 1,500,000 calls;

Whereas, since its inception, the Hotline has become a vital link to safety for victims of domestic violence and their families;

Whereas today, Hotline advocates answer as many as 600 calls per day and an average of 16,500 calls per month from women, men, and children from across the United States;

Whereas, as public awareness grows about domestic violence, the Hotline has seen a significant increase in call volume, with calls to the Hotline increasing by 200 percent over the last 10 years;

Whereas, because no victim should ever get a busy signal, the Hotline recently unveiled cutting edge technology that will allow more victims to connect to life saving services; and

Whereas the 10th anniversary of the Hotline marks a true partnership between the Federal Government and private businesses as each has come together in a collaborative effort to save lives: Now, therefore, be it

*Resolved*, That the Senate should—

(1) continue to support the National Domestic Violence Hotline; and

(2) commemorate the 10th anniversary of this critical national resource that saves lives each day.

Mr. BIDEN. Mr. President, I rise today with my colleagues Senators CORNYN, HUTCHISON, HATCH, SPECTER, LEAHY and KENNEDY to submit a Resolution commemorating the 10th anniversary of a critical American resource—the National Domestic Violence Hotline. Operating 24 hours a

day, 365 days every year, in more than 140 different languages, with a TTY line available for the deaf, the Hotline offers confidential and anonymous help for victims of domestic violence, their families and friends.

Located in Austin, TX, the National Domestic Violence Hotline was created in the Violence Against Women Act of 1994. As I began to draft that Act over 15 years ago, I held many Congressional hearings and listened to hours of testimony from experts about how to craft an effective, coordinated community response to battering. One of the realities that was raised over and over in those hearings was how very difficult it was, and still is, for a battered woman to admit the abuse. It was, and still is, very difficult for a battered woman to report the abuse to the police or local prosecutor. In the Violence Against Women Act we created a safe haven—a place to talk about the abuse that offered lots of solutions and total anonymity, the National Domestic Violence Hotline.

On February 21, 1996, the Hotline answered its first call, and since then has received over 1.5 million calls. Today, Hotline advocates answer as many as 600 calls per day and an average of 16,500 calls per month from women, men and children across the nation. These are real lives that have been dramatically changed by their first call to the National Domestic Violence Hotline. Over 60 percent of the Hotline callers report that this is their very first attempt to deal with the abuse—they hadn't told a friend yet, or reported it to the police.

Each day Hotline advocates listen and respond to heart-wrenching pleas for help and information, and each day they offer their callers hope and help. I am pleased that the Senate can recognize their hard work with today's Senate Resolution commemorating its 10th anniversary. It is but a small token of this body's gratitude for the National Domestic Violence Hotline.

#### SENATE RESOLUTION 374—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES OF AMERICA V. DAVID HOSSEIN SAFAVIAN

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 374

Whereas, in the case of *United States of America v. David Hossein Safavian*, Crim. No. 05-370, pending in the United States District Court for the District of Columbia, testimony and documents have been requested from Bryan D. Parker, an employee on the staff of the Committee on Indian Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Stand-

ing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved* that Bryan D. Parker, and any other employee of the Committee on Indian Affairs from whom testimony or the production of documents may be required, are authorized to testify and produce documents in the case of *United States of America v. David Hossein Safavian*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Bryan D. Parker, and any other Members, officers, or employees of the Senate, in connection with the testimony and document production authorized in section one of this resolution.

#### SENATE RESOLUTION 375—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE V. WILLIAM THOMAS, KETA C. JONES, JOHN FRANCIS BOPP, MICHAEL S. FRANKLIN, DAVID VAN STREIN, GUY CHICHESTER, JAMILLA EL-SHAFEI, AND ANN ISENBERG

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 375

Whereas, in the cases of *State of New Hampshire v. William Thomas* (C-05-49153-AR), *Keta C. Jones* (C-05-49153-A-AR), *John Francis Bopp* (C-05-49153-B-AR), *Michael S. Franklin* (C-05-49153-C-AR), *David Van Strein* (C-05-49153-D-AR), *Guy Chichester* (C-05-49153-E-AR), *Jamilla El-Shafei* (C-05-49153-F-AR), and *Ann Isenberg* (C-05-49153-G-AR), pending in Concord District Court, New Hampshire, testimony has been requested from Carol Carpenter, an employee in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved* that Carol Carpenter and other employees of Senator Gregg's office from whom testimony may be required are authorized to testify in the cases of *State of New Hampshire v. William Thomas*, *Keta C. Jones*, *John Francis Bopp*, *Michael S. Franklin*, *David Van Strein*, *Guy Chichester*, *Jamilla El-Shafei*, and *Ann Isenberg*, except

concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Carpenter and other employees of Senator Gregg's office in connection with the testimony authorized in section one of this resolution.

#### SENATE RESOLUTION 376—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF KEYTER V. MCCAIN, ET AL.

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas, pursuant to Senate Resolution 213, 109th Congress, the Senate Legal Counsel is currently representing Senators John McCain and Jon Kyl in the case of *Keyter v. McCain, et al.*, filed in the United States District Court for the District of Arizona, Civ. No. 05-1923-PHX-DGC;

Whereas, the plaintiff filed an amended complaint naming Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens as additional defendants in the action;

Whereas the District Court dismissed the action for lack of jurisdiction and for failure to state a claim upon which relief may be granted;

Whereas the plaintiff has appealed the dismissal of the action to the United States Court of Appeals for the Ninth Circuit; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens in the case of *Keyter v. McCain, et al.*

#### SENATE RESOLUTION 377—HONORING THE LIFE OF DR. NORMAN SHUMWAY AND EXPRESSING THE CONDOLENCES OF THE SENATE ON HIS PASSING

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 377

Whereas Norman Shumway was an inspirational leader and medical pioneer;

Whereas Dr. Norman Shumway performed the first successful heart transplant in the United States, and was considered the father of heart transplantation in America;

Whereas Dr. Norman Shumway's seminal work with Dr. Richard Lower at Stanford Medical Center set in motion the longest and most successful clinical cardiac transplant program in the world;

Whereas Dr. Norman Shumway co-edited a definitive book on thoracic organ transplantation along with his daughter who is also a cardiac surgeon;

Whereas Dr. Norman Shumway continued to research the medical complexities of heart transplants when many were abandoning the procedure because of poor outcomes due to rejection;

Whereas Dr. Norman Shumway trained hundreds of surgeons who have gone on to lead academic and clinical cardiac surgical programs around the world;